

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

Didion Milling, Inc.
f/k/a Didion, Inc.,

Plaintiff,

v.

Terra International, Inc. and
Agro Distribution, LLC,

Defendants.

Case No. 05-C-0227
Magistrate Judge
A.E. Goodstein

**MOTION FOR PARTIAL SUMMARY
JUDGMENT OF DEFENDANT AGRO
DISTRIBUTION, LLC**

Pursuant to Rule 56 of the Federal Rules of Civil Procedure, Defendant Agro Distribution, LLC ("Agro") hereby respectfully moves the Court for an Order as follows:

1. Dismissing Plaintiff's Complaint with prejudice;
2. Directing Plaintiff and its law firm to immediately disburse the funds in the amount of \$311,371.00 being held in trust for Agro;
3. Awarding Agro a money judgment against Plaintiff for the amount by which Agro's claim for breach of contract exceeds the amount of the trust account funds on the date of entry of judgment;
4. Awarding Agro a money judgment for the installation of an electrical meter in the amount of \$7,148.22, plus interest at

the rate of \$0.82 per day from April 1, 2006, through the date of entry of judgment; and

5. Awarding Agro a money judgment for back rent due from Plaintiff in the amount of \$6,254.69, plus interest at the rate of \$0.72 per day from April 1, 2006, through the date of entry of judgment.

Respectfully submitted,

Dated: May 1, 2006

LINDQUIST & VENNUM P.L.L.P.

By: s/Jonathan C. Miesen
Jonathan C. Miesen
Minn. Atty. Reg. No. 19752X

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